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FM AMEMBASSY KATHMANDU  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 9343  
INFO RUEHBJ/AMEMBASSY BEIJING PRIORITY 3717  
RUEHLO/AMEMBASSY LONDON PRIORITY 3411  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 8870  
RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY  
RUEAIIA/CIA WASHDC PRIORITY  
RHEHNSC/NSC WASHDC PRIORITY

C O N F I D E N T I A L KATHMANDU 002654

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DEPT FOR SA/INS, SA/PPD  
NSC FOR RICHELSON

E.O. 12958: DECL: 11/30/2015

TAGS: [PGOV](#) [PHUM](#) [NP](#)

SUBJECT: SUPREME COURT RULING ALLOWS RADIO STATIONS TO  
BROADCAST NEWS

REF: A. KATHMANDU 2615

[B](#). KATHMANDU 1690

[C](#). KATHMANDU 2318

Classified By: Charge Elisabeth Millard. Reasons 1.4 (b/d).

Supreme Court Stays Government Actions Against FM Radio News

[1](#). (SBU) In two separate cases, the Supreme Court stayed government efforts to curb radio broadcasts of news. On November 30, the Supreme Court ordered the government not to ban any FM radio station from broadcasting news until it issued a final decision on the King's February 1 declaration banning stations from broadcasting news. The November 30 stay order followed an August 11 Supreme Court stay order which resulted in a number of FM stations resuming news broadcasts (ref A). Til Prasad Shrestha, Joint Registrar at the Supreme Court, confirmed that the Court issued the stay order, adding that this was not the final verdict as the case was ongoing, with no date set for the next hearing.

Radio Sagarmartha Resumes Broadcasting

[2](#). (U) On November 29, the Supreme Court ordered a stay on the government's November 27 shut-down of Radio Sagarmartha (ref B). Subsequently, the Ministry of Information and Communication sent a fax to the station asking it to resume broadcasting, but not to air BBC Nepali and other programs banned by the National Broadcast Act. The Act bans broadcast of programs that "generate apprehension or terror in the mind of the public," or that "encourage violence". Although the government did not return any seized equipment to the station, Sagarmartha was able to resume transmission upon receipt of the fax. The Supreme Court is set to hear petitions on the seizure of equipment and rebroadcast of BBC Nepali filed by Radio Sagarmartha on December 7 (ref B). In a third radio freedom case before the Supreme Court, involving the seizure of equipment from Kantipur FM, the Government had not returned any equipment to Kantipur FM and the Supreme Court had not set a date for the next hearing (ref C).

BBC Nepali Service Hard to Find

[3](#). (U) Following the government's actions against Radio

Sagarmartha on November 27, only three of the six authorized stations outside the Kathmandu Valley were broadcasting BBC Nepali Service. BBC Nepali was available in the Kathmandu Valley only on short-wave as Radio Sagarmartha has had the exclusive contract to rebroadcast, with the permission of the government, BBC Nepali Service within the Kathmandu Valley for the past eight years. The government station, Radio Nepal, continued to broadcast BBC World Service in English. The Government reportedly continued to block access to the BBC Nepali website.

Comment

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¶4. (C) The Supreme Court's November 29 and 30 stay actions in favor of media freedom follow criticism by activists who believed the Court's inaction following the Kantipur seizure (ref C) gave the government the green light to further restrict the media. The new stays put pressure on the government to uphold media freedoms.

¶5. (SBU) Both the November 30 front page of the Himalayan Times, and the website nepalnews.com on November 29 carried articles quoting a senior State Department official on the USG's criticism of the Sagarmartha raid, using guidance from ref A .  
MILLARD